

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

SUITS - High Court of A.P. W.P. No. 722/08 filed by the Department – Reinstatement into service with continuity of service and regularization of the services of Sri Y. Sudhakar, NMR., O/o the EE., PVP & GVP Division, Satyanaraynapuram, Khammam District in terms of G.O. Ms. No. 212, Finance & Planning (FW. PC.III) Department Dt. 22-4-1994 - Orders - Issued.

IRRIGATION & COMMAND AREA DEVELOPMENT (Ser.V-1) DEPARTMENT.

G. O. Ms. No. 80

Dated: 26 -5-2009.

Read the following:-

- 1) From the A.P.A.T Order dt. 21-12-2005 in O.A. No.1022/96 filed by Sri Y. Sudhakar.
- 2) Govt. Memo. No. 28484/Ser. V(1)/2005-5, Dt. 9-1-2006.
- 3) Govt. Memo. No. 28484/Ser.V(1)/2005-6, dt. 11-1-2008.
- 4) From the Hon'ble High Court of A.P. Order dt. 21-10-2008 in W.P.No.722/2008.
- 5) Govt. Memo. No. 28484/Ser. V(1)/2005-7 Dt. 26-3-2004.
- 6) From the Superintending Engineer I/C., Irrigation Circle, Warangal, Lr. No. ES/E-4/2033-35/I/ENC, Dt. 28-3-09.
- 7) From the Superintending Engineer, (I/c), Irrigation Circle, Warangal, Lr. No. ES/E4/Camp, Dt. 28-4-2009.
- 8) From the Engineer-in-Chief (IW), Irrigation & CAD Dept, Letter No. ENC/IW/P&M/EE.III/W2/64666/94 PF Vol-2, dt. 29.4.2009.

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ORDER:-

In the reference 8th read above, the Engineer-in-Chief (IW), Irrigation & CAD Department, Hyderabad has reported that Taliperu Project, Medium Irrigation Project is situated in Charla Mandal, Khammam District. As there was no staff to look after the maintenance of the Dam, Canals and camp colony and there was on ban on appointment of NMRs, the Executive Engineer, PVP & GVP Division, Satyanarayanapuram has engaged labour through contractor on written understanding basis i.e., supply of labour contractor during the period from 1988 to June 1994 according to the requirement on the work. Thereafter labour were appointed on short tender basis upto 19-12-2001 and they were discontinued w.e.f. 20-12-2001. Since, the services were not regularized, Sri Y. Sudhakar and other daily wage employees have filed OA No.6672/1993 before APAT and the Hon'ble APAT disposed off the same with a direction to the Respondents to consider the claim of the applicant in terms of G.O. Ms. No.212, F&P Dept., dated 22.4.1994. The claim of the applicant was rejected vide his Memo. No.W2/EE2/P&M/64666/94-2, dated 6.10.1995. on the ground that the NMR workers, are labourers supplied by the Contractor and the applicant is not entitled for the benefit of G.O.Ms.No.212, dated 22.4.1994. Aggrieved by said order, Sri Y. Sudhakar. NMR has filed O.A. No. 1022/96 for regularization of his services. The Hon'ble A.P.A.T. Hyderabad in its order dt. 21-12-2005 directed the respondents to regularize the services of the applicant in accordance with G.O Ms No. 212, Dt. 22-04-1994. The Department have filed W.P. No. 722/08 in Hon'ble High Court of A.P., against the orders of A.P.A.T. dt. 21-12-2005 in O.A. No. 1022/96. The Hon'ble High Court of A.P. Hyderabad, has dismissed the W.P. on 21-10-08 duly confirming the orders of A.P.A.T. dt. 21-12-05 in O.A. No. 1022/96 subject to modification that petitioner shall consider the case of the respondent for regularization without past monetary benefits. Against the orders of Hon'ble High Court of A.P. in W.P. NO. 722/08, dt. 21-10-08, the department have filed S.L.P.(C) vide C.C. No.5686/2009 in the Hon'ble Supreme Court of India. The SLP was dismissed with a direction to the petitioner to pass appropriate order to regularize the respondent as and when the vacancy arise. According to the report of the (PTO).

Superintending Engineer, Irrigation Circle, Warangal that only Office Subordinate (Attender) vacancy is available in his circle and the applicant has given an undertaking that he has no objection, if his services are regularizes against Office Subordinate (Attender) post.

2. The Engineer-in-Chief (IW), Irrigation & C.A.D. Department, Hyderabad has requested to communicate the orders of the Government for regularization and absorption of Sri Y. Sudhakar into last grade service as per check list and vacancy position furnished by the Superintending Engineer, Irrigation Circle, Warangal.

3. After careful examination of the matter, Government hereby direct the Engineer-in-Chief (IW), I & CAD Department, Hyderabad to reinstate the applicant Sri Y. Sudhakar, NMR., O/o the Executive Engineer, PVP & GVP Division, Satyanarayanapuram, Charla Mandal, Khammam District into service with continuity of service without past monetary benefits and regularize his services as Office Subordinate (Attender) in the existing vacancies under the control of the SE, Irrigation Circle, Warangal in terms of G.O. Ms. NO. 212, Finance & Planning (FW. PC. III) Department Dt. 22-4-1994 from the prospective date i.e., from the date of issue of the orders.

4. The Engineer-in-Chief (IW), I & CAD Department, Hyderabad shall take necessary action accordingly in the matter.

5. This order issues with the concurrence of Finance (PC.III) Department vide their U.O. No. 12149-A/216/A1/PC-III/09, Dt. 25-5-2009.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S. P. TUCKER
PRINCIPAL SECRETARY TO GOVERNMENT.

To
The Engineer-in-Chief (IW), I & CAD Department,
Jalasoudha Buildings, Errammanzil, Hyderabad.
Copy to: The Superintending Engineer, Irrigation Circle,
Warangal,
SF/ SCs.

// FORWARDED :: BY ORDER //

SECTION OFFICER.